

§ 68.37

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Vessel Documentation Center, a copy of the letter of qualification issued under paragraph (b) of this section.

(d) A member or members of a not-for-profit oil spill response cooperative seeking to document a vessel under this subpart shall supply to the National Vessel Documentation Center, a copy of the letter of qualification issued under paragraph (b) of this section to the not-for-profit oil spill response cooperative to which the vessel is dedicated. In addition, the not-for-profit oil spill response cooperative and the vessel owners shall all certify under oath that the vessel for which application is made is dedicated to use by the not-for-profit oil spill response cooperative. This certification must use the format and content described in appendix B to this subpart. If there is a change in the dedicated status of the vessel or its ownership, a report under § 68.37 must be filed.

[GCD 89-007; GCD 89-007a, 58 FR 60266, Nov. 15, 1993, 58 FR 65131, Dec. 13, 1993, as amended by CGD 95-014, 60 FR 31606, June 15, 1995; USCG-1999-6216, 64 FR 53225, Oct. 1, 1999. Re-designated and amended by USCG-2005-20258, 71 FR 61418, Oct. 18, 2006]

§ 68.37 Cessation of qualifications.

(a) If the vessel is owned by a not-for-profit oil spill response cooperative and a change occurs which affects the validity of the certificate required by § 68.35(a), or the ownership of the vessel changes so that it no longer meets the criteria of § 68.29, the qualification for the privileges enumerated in § 68.33 is terminated effective as of the date and time of the change. The not-for-profit oil spill response cooperative shall report the change in writing to the Director, National Vessel Documentation Center.

(b) If the vessel is owned by a member or members of a not-for-profit oil spill response cooperative and a change occurs which affects the validity of the certificate required by § 68.35(a), or the ownership of the vessel changes so that it no longer meets the criteria of § 68.29, the qualification of the member or members for the privileges enumerated in § 68.33 is terminated effective as of the date and time of the change. The member or members shall report the

change in writing to the Director, National Vessel Documentation Center.

(c) When qualifications are terminated under this section, the certificate of documentation issued under this subpart must be surrendered or exchanged in accordance with part 67 of this chapter.

[GCD 89-007; GCD 89-007a, 58 FR 60266, Nov. 15, 1993, 58 FR 65131, Dec. 13, 1993, as amended by CGD 95-014, 60 FR 31606, June 15, 1995; USCG-1999-6216, 64 FR 53225, Oct. 1, 1999. Re-designated and amended by USCG-2005-20258, 71 FR 61418, Oct. 18, 2006]

**APPENDIX A TO SUBPART B OF PART 68—
OATH FOR QUALIFICATION OF A NOT-
FOR-PROFIT OIL SPILL RESPONSE
COOPERATIVE**

*Department of Homeland Security, U.S. Coast
Guard*

Oath for Qualification of a Not-For-Profit
Oil Spill Response Cooperative [46 U.S.C.
12106(d)]

Cooperative:

Name _____

Address _____

Jurisdiction where incorporated or orga-
nized _____

Affiant:

Name _____

Address _____

Cooperative _____

Title or Capacity _____

I, the affiant, swear that I am legally authorized to make this oath and hold the capacity so bestowed upon me as _____, on behalf of the _____ cooperative and its members, that it is a not-for-profit cooperative, and that it is engaged in training for, carrying out, or supporting oil spill cleanup operations or related research activities.

That all members of the cooperative who may use the letter of qualification issued to this cooperative are truly and correctly named, including home address and citizenship of each on the attached listing incorporated in and made a part of this oath.

Signature _____

Subscribed and sworn to before me on the
day and year shown.

(Notary Public)

Coast Guard, Dept. of Homeland Security

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Date _____

[CGD 90-055, 57 FR 7642, Mar. 3, 1992, as amended by USCG-2003-14505, 68 FR 9535, Feb. 28, 2003. Redesignated by USCG-2007-28098, 71 FR 61418, Oct. 18, 2006]

**APPENDIX B TO SUBPART B OF PART 68—
OATH FOR DOCUMENTATION OF VES-
SELS FOR USE BY A NOT-FOR-PROFIT
OIL SPILL RESPONSE COOPERATIVE**

*Department of Homeland Security, U.S. Coast
Guard*

Oath for Documentation of Vessels For Use
by a Not-For-Profit Oil Spill Response Co-
operative [46 U.S.C. 12106(d)]

Cooperative:

Name _____

Address _____

Jurisdiction where incorporated or orga-
nized _____

I, the undersigned officer of _____, a
not-for-profit oil spill response cooperative,
swear that I am legally authorized to make
this oath on behalf of the cooperative, and
its members and that the cooperative has ac-
cepted the vessel _____.

I/we _____, am/are the owner(s) of the
vessel. I/we further swear that the vessel has
been dedicated to the exclusive use of the co-
operative for the purpose of training for, car-
rying out, or supporting oil spill cleanup op-
erations or related research activities for
discharges of oil into the navigable waters of
the United States and the Exclusive Eco-
nomic Zone and that the cooperative has ac-
cepted the vessel.

For the Cooperative:

Name _____

Address _____

Cooperative _____

Title or Capacity _____

For Each Vessel Owner:

Name _____

Cooperative _____

Title or Capacity _____

Subscribed and sworn to before me on the
day and year shown.

(Notary Public)

Date _____

[CGD 90-055, 57 FR 7642, Mar. 3, 1992, as
amended by USCG-2003-14505, 68 FR 9535,
Feb. 28, 2003. Redesignated by USCG-2007-
28098, 71 FR 61418, Oct. 18, 2006]

**Subpart C—Vessels With a Coast-
wise Endorsement Issued on
or After August 9, 2004, That
Are Demised Chartered to
Coastwise Qualified Citizens**

SOURCE: USCG-2005-20258, 71 FR 61419, Oct.
18, 2006, unless otherwise noted.

§ 68.50 Purpose and applicability.

(a) This subpart contains require-
ments, in addition to those in part 67 of
this chapter, for obtaining a coastwise
endorsement for a U.S.-built vessel—

(1) That is owned by a person that
qualifies as a citizen under § 67.35(a),
§ 67.36(a), § 67.37, or § 67.39(a) of this
chapter; and

(2) That is demise chartered to a
coastwise qualified citizen under § 67.33,
§ 67.35(c), § 67.36(c), § 67.37, § 67.39(c), or
§ 67.41 of this chapter.

(b) This subpart applies to a vessel
with a coastwise endorsement issued
on or after August 9, 2004. It does not
apply to a vessel under subpart D of
this part.

§ 68.55 Definitions.

In addition to the terms defined in
§ 67.3 of this chapter, as used in this
subpart—

Affiliate means, with respect to any
person, any other person that is—

(1) Directly or indirectly controlled
by, under common control with, or
controlling that person; or

(2) Named as being part of the same
consolidated group in any report or
other document submitted to the
United States Securities and Exchange
Commission or the Internal Revenue
Service.

Cargo does not include cargo to which
title is held for non-commercial rea-
sons and primarily for the purpose of
evading the requirements of
§ 68.65(a)(2).

Oil has the meaning given that term
in 46 U.S.C. 2101(20).

Operation or management, for vessels,
means all activities related to the use
of vessels to provide services. These ac-
tivities include, but are not limited to,
ship agency; ship brokerage; activities
performed by a vessel operator or de-
mise charterer in exercising direction